

DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D.C. 20505
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Office of General Counsel

STAT NOTE FOR: 

FROM:

SUBJECT: Revised Draft
Executive Order 12036

Bob:

Attached is a complete new draft revision of Executive Order 12036, which we believe accommodates all the points we have previously discussed. A spread sheet comparing sections 1, 3, and 4 of the draft with the existing Order also is attached. You should understand that at this point this version does not have the DCI's formal blessing or any input from the Intelligence Community. Once you have reviewed this draft, please contact us with your comments.

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Attachments

EXECUTIVE ORDER _____

UNITED STATES
INTELLIGENCE ACTIVITIES

Timely and accurate information about the activities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. In order to obtain such information, the intelligence capabilities of the United States must be strengthened through the removal of unwarranted restraints on the conduct of necessary intelligence activities. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence available. The honorable men and women of the Intelligence Community who serve the United States must understand that their efforts are vital to the national security and have the full support of the President, the Congress, and the public. For that purpose, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the effective conduct of United States intelligence activities and the protection of constitutional rights, it is hereby ordered as follows:

SECTION 1

GOALS, DIRECTION, DUTIES AND
RESPONSIBILITIES WITH
RESPECT TO THE NATIONAL
INTELLIGENCE EFFORT

1-1. Goals. The United States intelligence effort shall provide the President and the National Security Council with the necessary information on which to base decisions concerning the conduct and development of foreign, defense, and economic policy, and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal.

(a) Maximum emphasis should be given to fostering analytical competition among appropriate elements of the Intelligence Community.

(b) All means, consistent with applicable United States law and this Order, and with full consideration of the rights of

United States persons, shall be used to develop intelligence information for the President and the National Security Council. A balanced approach between technical collection efforts and other means should be maintained and encouraged.

(c) Special emphasis should be given to detecting and countering espionage and other threats and activities directed by foreign intelligence services against United States persons, the United States Government, or United States corporations and establishments.

(d) To the greatest extent possible consistent with applicable United States law and this Order, and with full considerations of the rights of United States persons, all agencies and departments should seek to ensure full and free exchange of information in order to derive maximum benefit from the United States intelligence effort.

1-2. National Security Council.

(a) Purpose. The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for, and direction to the conduct of all national foreign intelligence, counterintelligence, and special activities, and the development of intelligence policies and programs.

(b) Committees. The NSC shall establish such committees as may be necessary to carry out its functions and responsibilities under this Order.

1-3. National Foreign Intelligence Advisory Groups.

(a) Establishment and Duties. The Director of Central Intelligence shall establish such boards, councils, or groups as required for the purpose of obtaining advice from within the Intelligence Community concerning:

(1) Production, review and coordination of national foreign intelligence;

(2) Priorities for the National Foreign Intelligence Program budget;

(3) Interagency exchanges of foreign intelligence information;

(4) Arrangements with foreign governments on intelligence matters;

(5) Protection of intelligence sources and methods;

(6) Activities of common concern;

(7) Such other matters as may be referred by the Director of Central Intelligence.

(b) Membership. Advisory groups established pursuant to this section shall be chaired by the Director of Central Intelligence and shall consist of senior representatives from organizations within the Intelligence Community and from departments or agencies containing such organizations, as designated by the Director of Central Intelligence. Groups for consideration of substantive intelligence matters will include representatives of organizations involved in the collection, processing, and analysis of intelligence. A senior representative of the Secretary of Commerce, Attorney General, Assistant to the President for National Security Affairs, and the Office of the Secretary of Defense shall participate in any group which deals with other than substantive intelligence matters.

1-4. The Intelligence Community. The agencies within the Intelligence Community shall, under the leadership and coordination of the Director of Central Intelligence and in accordance with applicable United States law and the provisions of this Order, conduct intelligence activities necessary for the conduct of foreign relations and the protection of the national security of the United States, including:

(a) Collection of information needed by the President, the National Security Council, the Secretaries of State and Defense, and other Executive Branch officials for the performance of their duties and responsibilities;

(b) Production and dissemination of intelligence;

(c) Collection of information concerning, and the conduct of activities to protect against, intelligence activities directed against the United States, international terrorist and international narcotics activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents;

(d) Special activities; and

(e) Administrative and support activities within the United States and abroad necessary for the performance of authorized activities.

1-5. Director of Central Intelligence. In order to discharge the duties and responsibilities prescribed by law, the Director of Central Intelligence shall be responsible directly to the NSC, or in accordance with policies developed by the NSC, shall:

(a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

(b) Develop such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;

(c) Promote the development and maintenance of services of common concern by designated foreign intelligence organizations on behalf of the Intelligence Community;

(d) Ensure implementation of special activities;

(e) Formulate policies concerning foreign intelligence and counterintelligence arrangements with foreign governments, coordinate intelligence and counterintelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments, and establish procedures governing the conduct of liaison by the Drug Enforcement Administration (DEA) with such services;

(f) Participate in the development of procedures approved by the Attorney General governing the criminal narcotics activities of DEA to ensure that these activities are consistent with foreign intelligence programs;

(g) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information and products;

(h) Ensure that programs are developed which protect intelligence sources, methods, and analytical procedures;

(i) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(j) Establish appropriate committees or other advisory groups to assist in the execution of the Director's responsibilities;

(k) Have full responsibility for production and dissemination of national foreign intelligence and authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations, ensuring that appropriate mechanisms for competitive analysis are developed so that diverse points of view are considered fully and that differences of judgment within the Intelligence Community are brought to the attention of national policymakers;

(l) Ensure the timely exploitation and dissemination of data gathered by national foreign intelligence collection means, and ensure that the resulting intelligence is disseminated immediately to appropriate components and commands;

(m) Establish mechanisms which translate national foreign intelligence objectives and priorities developed by the NSC into specific guidance for the Intelligence Community, resolve conflicts in tasking priority, and provide to departments and agencies having information collection capabilities that are not a part of the National Foreign Intelligence Program advisory tasking concerning collection of national foreign intelligence;

(n) Develop, in consonance with NSC guidance and with the advice of the program managers and departments and agencies concerned, the consolidated National Foreign Intelligence Program budget, present it to the President through the Office of Management and Budget, and present it to the Congress;

(o) Review and approve all requests for reprogramming National Foreign Intelligence Program funds, in accord with guidelines established by the Office of Management and Budget;

(p) Monitor National Foreign Intelligence Program implementation and, as necessary, conduct program and performance audits and evaluations; and

(q) Together with the Secretary of Defense, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs consistent with the requirement to develop competitive analysis, and provide to and obtain from the Secretary of Defense all information necessary for this purpose.

1-6. Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies.

(a) The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant procedures approved by the Attorney General under this Order, give the Director of Central Intelligence access to all information

relevant to the national intelligence needs of the United States and shall give due consideration to requests from the Director of Central Intelligence for appropriate support for Intelligence Community activities.

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence of proposed national programs and budgets in the format designated by the Director of Central Intelligence, by the program managers and heads of component activities, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities.

(c) The heads of departments and agencies involved in the National Foreign Intelligence Program may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

1-7. Senior Officials of the Intelligence Community. The heads of departments and agencies with organizations in the Intelligence Community or the heads of such organizations, as appropriate, shall:

(a) Report to the Attorney General possible violations of those federal criminal laws specified in procedures agreed upon by the Attorney General and the head of the department or agency concerned in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures;

(b) In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

(c) Furnish the Director of Central Intelligence and the NSC, in accordance with applicable law and procedures approved by the Attorney General under this Order, the information required for the performance of their respective duties;

(d) Report to the Intelligence Oversight Board and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations which raise questions of legality or propriety;

(e) Protect intelligence and intelligence sources and methods from unauthorized disclosure consistent with guidance from the Director of Central Intelligence and the NSC;

(f) Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

(g) Participate in the development of procedures governing DEA production and dissemination of intelligence on the foreign and domestic intelligence aspects of narcotics production and trafficking if their departments, agencies, or organizations have responsibilities in these areas;

(h) Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

(i) Ensure that the Inspectors General and General Counsel for their organizations have access to any information necessary to perform their duties assigned by this Order.

1-8. The Central Intelligence Agency. All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by this Order, the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, or other applicable law, the CIA shall:

(a) Collect, produce, and disseminate foreign intelligence and counterintelligence, including information not otherwise obtainable. The collection of foreign intelligence within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(b) Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

(c) Conduct counterintelligence activities outside the United States and, without assuming or performing any internal security functions, conduct counterintelligence activities within the United States in coordination with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(d) Produce and disseminate counterintelligence studies and reports;

(e) Coordinate counterintelligence activities and the collection of information not otherwise obtainable, when conducted outside the United States by other departments and agencies;

(f) Conduct special activities approved by the President, consistent with applicable law. No agency except the CIA (or the Armed Forces of the United States in time of war declared by

Congress or during any period covered by a report from the President to the Congress under the War Powers Resolution (87 Stat. 855)) may conduct any special activity unless the President determines that another agency is more likely to achieve a particular objective;

(g) Conduct services of common concern for the Intelligence Community as directed by the NSC;

(h) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

(i) Protect the security of its installations, activities, information, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary; and

(j) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) through (i) above, including procurement and essential cover and proprietary arrangements.

1-9. The Department of State. The Secretary of State shall:

(a) Overtly collect foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities, and produce and disseminate such intelligence;

(b) Disseminate, as appropriate, reports received from United States diplomatic and consular posts abroad;

(c) Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

(d) Support Chiefs of Missions in discharging their statutory responsibilities for direction and coordination of mission activities.

1-10. The Department of the Treasury. The Secretary of the Treasury shall:

(a) Overtly collect foreign financial and monetary information;

(b) Participate with the Department of State in the overt collection of general foreign economic information;

(c) Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

(d) Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1-11. The Department of Defense. The Secretary of Defense shall:

(a) Collect national foreign intelligence and be responsive to collection tasking by the Director of Central Intelligence;

(b) Collect, produce and disseminate military and military-related foreign intelligence as required for execution of the Secretary's responsibilities;

(c) Conduct programs and missions necessary to fulfill national, departmental, and tactical foreign intelligence requirements;

(d) Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI, pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General, and produce and disseminate counterintelligence studies and reports;

(e) Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

(f) Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

(g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

(h) Protect the security of Department of Defense installations, activities, property, information and employees by

appropriate means, including such investigations of applicants, employees, contractors and other persons with similar associations with the Department of Defense as are necessary;

(i) Establish and maintain military intelligence relationships and military intelligence exchange programs with selected cooperative foreign defense establishments and international organizations, and ensure that such relationships and programs are in accordance with policies formulated by the Director of Central Intelligence; and

(j) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) through (i) above.

1-12. Intelligence Components Utilized by the Secretary of Defense. In carrying out the responsibilities assigned in section 1-11, the Secretary of Defense is authorized to utilize the following:

(a) Defense Intelligence Agency, whose responsibilities shall include:

(1) Collection, production or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(2) Collection and provision of military intelligence for national foreign intelligence and counterintelligence products;

(3) Coordination of all Department of Defense intelligence collection requirements;

(4) Management of the Defense Attache system; and

(5) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

(b) National Security Agency, whose responsibilities shall include:

(1) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals

intelligence activities except pursuant to a delegation by the Secretary of Defense;

(2) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(3) Collection of signals intelligence information for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(4) Processing of signals intelligence data for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(5) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the Director of Central Intelligence;

(6) Collection, processing, and dissemination of signals intelligence information for counterintelligence purposes;

(7) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities and standards of timeliness assigned by the Secretary of Defense. If provisions of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(8) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(9) Conduct of research and development to meet needs of the United States for signals intelligence and communications security;

(10) Protection of the security of its installations, activities, property, information and employees by appropriate means, including such investigations of applicants, employees, contractors and other persons with similar associations with the NSA as are necessary;

(11) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and

among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations; and

(12) Conduct of foreign cryptologic liaison relationships, with liaison for intelligence purposes conducted in accordance with policies formulated by the Director of Central Intelligence.

(c) Offices for the collection of specialized intelligence through reconnaissance programs, whose responsibilities shall include:

(1) Carrying out consolidated reconnaissance programs for specialized intelligence;

(2) Responding to tasking for national, departmental and tactical purposes in accordance with procedures established by the Director of Central Intelligence; and

(3) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

(d) The foreign intelligence and counterintelligence elements of the Army, Navy, Air Force and Marine Corps whose responsibilities shall include:

(1) Collection, production and dissemination of military and military-related foreign intelligence, and information on narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be conducted in accordance with guidance from the Director of Central Intelligence. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(2) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI, and production and dissemination of counterintelligence studies or reports; and

(3) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

(e) Other offices within the Department of Defense appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense. If such other offices are used for intelligence purposes, the provisions of sections 2-1 through 2-11 of this Order shall apply to those offices when used for those purposes.

1-13. The Department of Energy. The Secretary of Energy shall:

(a) Participate with the Department of State in overtly collecting information with respect to foreign energy matters;

(b) Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

(c) Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

(d) Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1-14. The Federal Bureau of Investigation. Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

(a) Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

(b) Conduct counterintelligence activities outside the United States in coordination with the CIA, subject to the approval of the Director of Central Intelligence;

(c) Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, lawful activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community;

(d) Produce and disseminate foreign intelligence, counterintelligence and counterintelligence studies and reports; and

(e) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

SECTION 2

CONDUCT OF INTELLIGENCE ACTIVITIES

2-1. Need. Information about the capabilities, intentions, and activities of foreign powers, organizations, or persons and their agents is essential to informed decisionmaking in the areas of national defense and foreign relations. Collection of such information is a priority objective and will be pursued in an aggressive, innovative, and responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded.

2-2. Purpose. This Order is intended to enhance human and technical collection techniques, especially those undertaken abroad, to acquire significant foreign intelligence as well as to detect and counter international terrorist activities and espionage conducted by foreign powers. The Order also sends a clear signal to the Intelligence Community and to the Nation that the Administration supports an aggressive and effective intelligence effort. Set forth below are certain general principles that, in addition to applicable laws, are intended to achieve the proper balance between the acquisition of essential information and protection of individual interests.

2-3. Collection of Information. Agencies within the Intelligence Community are authorized to collect, retain, or disseminate information concerning a United States person only with his consent or in accordance with procedures established by the head of the agency concerned and approved by the Attorney General upon a finding that they are lawful under the Constitution and statutes of the United States. Those procedures shall permit collection, retention, and dissemination of the following types of information:

(a) Information constituting foreign intelligence or counterintelligence, including information concerning corporations or other commercial organizations;

(b) Information obtained in the course of lawful foreign intelligence, counterintelligence, international narcotics, or international terrorism investigation;

(c) Information relevant to the safety of any persons or organizations, including those who are targets, victims, or hostages of international terrorist organizations;

(d) Information needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure;

(e) Information concerning persons who are reasonably believed to be potential sources or contacts for the purpose of determining their suitability or credibility;

(f) Information arising out of a lawful personnel, physical, or communications security investigation;

(g) Information acquired by overhead reconnaissance not directed at specific U.S. persons;

(h) Incidentally obtained information that may indicate involvement in activities that may violate federal, state, local, or foreign laws; and

(i) Information necessary for administrative purposes.

In addition, agencies within the Intelligence Community may disseminate information, other than information derived from signals intelligence, to another agency within the Intelligence Community for purposes of allowing the recipient agency to determine whether the information is relevant to its lawful responsibilities and can be retained by it.

2-4. Collection Techniques. Agencies within the Intelligence Community shall use the least intrusive collection techniques feasible within the United States or directed against U.S. persons abroad. Agencies are not authorized to use such techniques as electronic surveillance, unconsented physical searches, mail surveillance, physical surveillance, or monitoring devices unless they are in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such procedures shall protect constitutional and other legal rights and limit use of such information to lawful governmental purposes. These procedures shall not authorize:

(a) The CIA to engage in electronic surveillance within the United States except for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance;

(b) Unconsented physical searches in the United States by agencies other than the FBI except for searches by CIA of personal property of non-U.S. persons lawfully in its possession and searches by counterintelligence elements of the military services for intelligence purposes within the United States or directed against U.S. military personnel abroad when authorized by a military commander empowered to approve physical searches for law enforcement purposes;

(c) Physical surveillance of a U.S. person in the United States by agencies within the Intelligence Community other than the FBI except for physical surveillance of a present employee or contractor of an intelligence agency or employee of such

contractor, or a military person employed by a nonintelligence element of a military service.

2-5. Attorney General Approval. The Attorney General hereby is delegated the power to approve the use, for intelligence purposes, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such activities shall not be undertaken in the United States or against a United States person abroad without a judicial warrant, unless the Attorney General has determined that under the circumstances the activity is lawful under the Constitution and statutes of the United States.

2-6. Assistance to Law Enforcement Authorities. Agencies within the Intelligence Community are authorized to:

(a) Cooperate with appropriate law enforcement agencies for the purpose of protecting the employees, information, property and facilities of any agency within the Intelligence Community;

(b) Unless otherwise precluded by law or this Order, participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers, or international terrorist or narcotics activities; or

(c) Provide specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be approved in each case by the General Counsel of the providing agency.

2-7. Contracting. Agencies within the Intelligence Community are authorized to enter into contracts or arrangements for the provision of goods or services with private companies or institutions in the United States and need not reveal the sponsorship of such contracts or arrangements for authorized intelligence purposes. Contracts or arrangements with academic institutions may be undertaken only with the consent of appropriate officials of the institution.

2-8. Consistency with Other Laws. Nothing in this Order shall be construed to authorize any activity in violation of the Constitution or statutes of the United States.

2-9. Undisclosed Participation in Domestic Organizations. No one acting on behalf of agencies within the Intelligence Community may join or otherwise participate in any organization in the United States on behalf of any agency within the Intelligence Community without disclosing their intelligence affiliation to appropriate officials of the organization except in accordance with procedures established by the head of the

agency concerned and approved by the Attorney General upon a finding that they are lawful under the Constitution and statutes of the United States. Such participation shall be authorized only if it is essential to achieving lawful purposes as determined by the Agency head or designee. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members unless the Attorney General has approved the participation and determined that it will not interfere with any rights protected by the Constitution or laws of the United States.

2-10. Human Experimentation. No agency within the Intelligence Community shall sponsor, contract for, or conduct research on human subjects except in accordance with guidelines issued by the Department of Health and Human Services. The subject's informed consent shall be documented as required by those guidelines.

2-11. Prohibition on Assassination. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

SECTION 3

OVERSIGHT OF INTELLIGENCE ACTIVITIES

3-1. Intelligence Oversight Board.

(a) Establishment and Purpose. There is hereby established an Intelligence Oversight Board, which shall function within the White House to advise the President as to the legality and propriety of activities of the Intelligence Community.

(b) Membership. The Board shall be composed of three persons. One member, drawn from among the membership of the President's Foreign Intelligence Advisory Board, shall be designated by the President as Chairman.

(c) Duties. The Intelligence Oversight Board shall:

(1) Inform the President of intelligence activities that any member of the Board believes are in violation of the Constitution or laws of the United States, Executive order, or Presidential directive, or raise serious questions of propriety;

(2) Forward to the Attorney General reports received concerning intelligence activities that the Board believes to involve serious questions of legality;

(3) Review the internal guidelines of each agency within the Intelligence Community concerning the legality or propriety of intelligence activities;

(4) Review the practices and procedures of the Inspectors General and General Counsels of the Intelligence Community for discovering and reporting intelligence activities that raise serious questions of legality and propriety.

(d) Responsibilities of Heads of Departments and Agencies. The heads of departments and agencies of the Intelligence Community shall provide the Board with information necessary to carry out its responsibilities.

3-2. Inspectors General and General Counsels. Inspectors General and General Counsels of the Intelligence Community shall report to the Board concerning intelligence activities that raise serious questions of legality or propriety.

3-3. Attorney General. The Attorney General shall report to the President any intelligence activities that violate the Constitution or laws of the United States, Executive order, or Presidential directive.

3-4. Congressional Oversight. The duties and responsibilities of the Director of Central Intelligence and the heads of other departments, agencies, and entities engaged in intelligence activities to cooperate with the Congress in the conduct of its responsibilities for oversight of intelligence activities shall be as provided in title 50, United States Code, section 413.

SECTION 4

GENERAL PROVISIONS

4-1. This Order supersedes Executive Order 12036, "United States Intelligence Activities," dated January 24, 1978.

4-2. The NSC, the Secretary of Defense, the Attorney General and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order. The Attorney General shall provide a statement of reasons for not approving any procedures established by the head of an agency in the Intelligence Community other than the FBI. The National Security Council may establish procedures in instances where the agency head and the Attorney General are unable to reach agreement on other than constitutional or other legal grounds.

4-3. Until the procedures required by this Order have been established, the activities authorized and regulated herein shall be conducted in accordance with existing procedures established by heads of agencies within the Intelligence Community. Procedures required by this Order shall be established as expeditiously as possible.

4-4. Definitions. For the purposes of this Order, the following terms shall have these meanings:

(a) Counterintelligence means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities, but not including personnel, physical, document, or communications security programs.

(b) Foreign Intelligence means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

(c) Intelligence activities mean foreign intelligence, counterintelligence, security, and special activities, and support activities related thereto.

(d) Intelligence Community and agencies within the Intelligence Community refer to the following agencies or organizations:

- (1) The Central Intelligence Agency (CIA);
- (2) The National Security Agency (NSA);
- (3) The Defense Intelligence Agency (DIA);
- (4) The Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) The Bureau of Intelligence and Research of the Department of State;
- (6) The intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation (FBI), the Department of the Treasury, and the Department of Energy; and
- (7) The staff elements of the Director of Central Intelligence.

(e) The National Foreign Intelligence Program includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President.

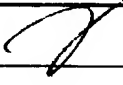
- (1) The programs of the CIA;
- (2) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;
- (3) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;
- (4) Activities of the staff elements of the Director of Central Intelligence;
- (5) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

(f) Special Activities means activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence United States public opinion or policies and do not include diplomatic activities or the collection and production of intelligence or related support functions.

(g) United States person means:

(1) For purposes of collection of information by any technique for which a warrant would be required if undertaken for law enforcement purposes, and the dissemination and retention of such information, a citizen of the United States, an alien lawfully admitted for permanent residence, an unincorporated association organized in the United States or substantially composed of United States citizens or aliens lawfully admitted for permanent residence, or a corporation incorporated in the United States, except a corporation openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments; or

(2) For all other purposes, a United States citizen, an alien physically present in the United States who is known by the intelligence agency concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens, or a corporation incorporated in the United States, unless such corporation is controlled by one or more foreign powers, persons, or organizations.

TRANSMITTAL SLIP		DATE	25 Jun 81
TO: DDA 			
ROOM NO. 7D24	BUILDING Hq		
REMARKS: The attached materials are intended for discussion purposes only. This informa- tion is extremely sensitive and should not be disseminated further.			
FROM: OGC			
ROOM NO. 7D00	BUILDING Hq	EXTENSION	

FORM NO. 241
1 FEB 55REPLACES FORM 36-8
WHICH MAY BE USED.

(47)

24 JUN 1981

Executive Order 12036
as amended

UNITED STATES
INTELLIGENCE ACTIVITIES

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the organization and control of United States foreign intelligence activities, it is hereby ordered as follows:

EXECUTIVE ORDER

UNITED STATES
INTELLIGENCE ACTIVITIES

Timely and accurate information about the activities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. In order to obtain such information, the intelligence capabilities of the United States must be strengthened through the removal of unwarranted restraints on the conduct of necessary intelligence activities. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence available. The honorable men and women of the Intelligence Community who serve the United States must understand that their efforts are vital to the national security and have the full support of the President, the Congress, and the public. For that purpose, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the effective conduct of United States intelligence activities and the protection of constitutional rights, it is hereby ordered as follows:

Approved For Release 2003/12/19 : CIA-RDP84B00890R000300040010-2

SECTION 1

Approved For Release 2003/12/19 : CIA-RDP84B00890R000300040010-2

SECTION 1

DIRECTION, DUTIES AND
RESPONSIBILITIES WITH
RESPECT TO THE NATIONAL
INTELLIGENCE EFFORT

SECTION 1

GOALS, DIRECTION, DUTIES AND
RESPONSIBILITIES WITH
RESPECT TO THE NATIONAL
INTELLIGENCE EFFORT

1-1. Goals.

1-101. Goals. The United States intelligence effort shall provide the President and the National Security Council with the necessary information on which to base decisions concerning the conduct and development of foreign, defense, and economic policy, and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal.

(a) Maximum emphasis should be given to fostering analytical competition among appropriate elements of the Intelligence Community.

(b) All means, consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, shall be used to develop intelligence information for the President and the National Security Council. A balanced approach between technical collection efforts and other means should be maintained and encouraged.

STAT

(1-101. Continued)

(c) Special emphasis should be given to detecting and countering espionage and other threats and activities directed by foreign intelligence services against United States persons, the United States Government, or United States corporations and establishments.

(d) To the greatest extent possible consistent with applicable United States law and this Order, and with full considerations of the rights of United States persons, all agencies and departments should seek to ensure full and free exchange of information in order to derive maximum benefit from the United States intelligence effort.

1-1. National Security Council.

1-101. Purpose. The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for, and direction to the conduct of all national foreign intelligence and counterintelligence activities.

1-2. National Security Council.

1-201. Purpose. The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for, and direction to the conduct of all national foreign intelligence, counterintelligence, and special activities, AND THE DEVELOPMENT OF INTELLIGENCE POLICIES AND PROGRAMS.

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1-102. Committees. The NSC Policy Review Committee and Special Coordination Committee, in accordance with procedures established by the Assistant to the President for National Security Affairs, shall assist in carrying out the NSC's responsibilities in the foreign intelligence field.

1-2. NSC Policy Review Committee.

1-3. NSC Special Coordination Committee.

1-202. Committees. The NSC shall establish such committees as may be necessary to carry out its functions and responsibilities under this Order.

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[Deleted.]

Approved For Release 2003/12/19 : CIA-RDP84B00890R000300040010-2

1-4. National Foreign Intelligence Board.

1-401. Establishment and Duties.
There is established a National Foreign Intelligence Board (NFIB) to advise the Director of Central Intelligence concerning:

- (a) Production, review, and coordination of national foreign intelligence;
- (b) The National Foreign Intelligence Program budget;
- (c) Interagency exchanges of foreign intelligence information;
- (d) Arrangements with foreign governments on intelligence matters;
- (e) The protection of intelligence sources and methods;
- (f) Activities of common concern; and
- (g) Other matters referred to it by the Director of Central Intelligence.

1-3. National Foreign Intelligence Advisory Groups.

1-301. Establishment and Duties.
The Director of Central Intelligence shall establish such boards, councils, or groups as required for the purpose of obtaining advice from within the Intelligence Community concerning:

- (a) Production, review and coordination of national foreign intelligence;
- (b) Priorities for the National Foreign Intelligence Program budget;
- (c) Interagency exchanges of foreign intelligence information;
- (d) Arrangements with foreign governments on intelligence matters;
- (e) Protection of intelligence sources and methods;
- (f) Activities of common concern;
- (g) Such other matters as may be referred by the Director of Central Intelligence.

1-402. Membership. The NFIB shall be chaired by the Director of Central Intelligence and shall include other appropriate officers of the CIA, the Office of the Director of Central Intelligence, the Department of State, the Department of Defense, the Department of Justice, the Department of the Treasury, the Department of Energy, the Defense Intelligence Agency, the offices within the Department of Defense for reconnaissance programs, the National Security Agency and the FBI. A representative of the Assistant to the President for National Security Affairs may attend meetings of the NFIB as an observer.

1-403. Restricted Membership and Observers. When the NFIB meets for the purpose of section 1-402(a), it shall be composed solely of the senior intelligence officers of the designated agencies. The senior intelligence officers of the Army, Navy and Air Force may attend all meetings of the NFIB as observers.

1-5. National Intelligence Tasking Center.

1-302. Membership. Advisory groups established pursuant to this section shall be chaired by the Director of Central Intelligence and shall consist of senior representatives from organizations within the Intelligence Community and from departments or agencies containing such organizations, as designated by the Director of Central Intelligence. Groups for consideration of substantive intelligence matters will include representatives of organizations involved in the collection, processing, and analysis of intelligence. A senior representative of the Secretary of Commerce, Attorney General, Assistant to the President for National Security Affairs, and the Office of the Secretary of Defense shall participate in any group which deals with other than substantive intelligence matters.

[Deleted.]

[Deleted.]

1-501. Establishment. There is established a National Intelligence Tasking Center (NITC) under the direction, control and management of the Director of Central Intelligence for coordinating and tasking national foreign intelligence collection activities. The NITC shall be staffed jointly by civilian and military personnel including designated representatives of the chiefs of each of the Department of Defense intelligence organizations engaged in national foreign intelligence activities. Other agencies within the Intelligence Community may also designate representatives.

[Deleted.]

1-502. Responsibilities. The NITC shall be the central mechanism by which the Director of Central Intelligence:

(a) Translates national foreign intelligence requirements and priorities developed by the PRC into specific collection objectives and targets for the Intelligence Community;

[Moved. See §1-501(q).]

(b) Assigns targets and objectives to national foreign intelligence collection organizations and systems;

[Deleted.]

(c) Ensures the timely dissemination and exploitation of data for national foreign intelligence purposes gathered by national foreign intelligence collection means, and ensures the resulting intelligence flow is routed immediately to relevant components and commands;

[Moved. See §1-501(p).]

(1-502. Continued)

(d) Provides advisory tasking concerning collection of national foreign intelligence to departments and agencies having information collection capabilities or intelligence assets that are not a part of the National Foreign Intelligence Program. Particular emphasis shall be placed on increasing the contribution of departments or agencies to the collection of information through overt means.

[Moved. See §1-501(r).]

1-503. Resolution of Conflicts. The NITC shall have the authority to resolve conflicts of priority. Any PRC member may appeal such a resolution to the PRC; pending the PRC's decision, the tasking remains in effect.

[Moved. See §1-501(s).]

1-504. Transfer of Authority. All responsibilities and authorities of the Director of Central Intelligence concerning the NITC shall be transferred to the Secretary of Defense upon the express direction of the President. To maintain readiness for such transfer, the Secretary of Defense shall, with advance agreement of the Director of Central Intelligence, assume temporarily during regular practice exercises all responsibilities and authorities of the Director of Central Intelligence concerning the NITC.

[Moved. See §1-501(q).]

1-4. The Intelligence Community.

1-401. Duties and Responsibilities. The agencies within the Intelligence Community shall, under the leadership and coordination of the Director of Central Intelligence and in accordance with applicable United States law and the provisions of this Order, conduct intelligence activities necessary for the conduct of foreign relations and the protection of the national security of the United States, including:

(a) Collection of information needed by the President, the National Security Council, the Secretaries of State and Defense, and other Executive Branch officials for the performance of their duties and responsibilities;

(b) Production and dissemination of intelligence;

(c) Collection of information concerning, and the conduct of activities to protect against, intelligence activities directed against the United States, international terrorist and international narcotics activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents;

(d) Special activities; and

1-6. The Director of Central Intelligence.

1-601. Duties. The Director of Central Intelligence shall be responsible directly to the NSC and, in addition to the duties specified elsewhere in this Order, shall:

(a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

(b) Be the head of the CIA and of such staff elements as may be required for discharge of the Director's Intelligence Community responsibilities;

(c) Act, in appropriate consultation with the departments and agencies, as the Intelligence Community's principal spokesperson to the Congress, the news media and the public, and facilitate the use of national foreign intelligence products by the Congress in a secure manner;

(1-401. Continued)

(e) Administrative and support activities within the United States and abroad necessary for the performance of authorized activities.

1-5. Director of Central Intelligence.

1-501. Duties and Responsibilities of the Director of Central Intelligence. In order to discharge the duties and responsibilities prescribed by law, the Director of Central Intelligence shall be responsible directly to the NSC and, in addition to the duties and responsibilities specified elsewhere in this Order, shall:

OR IN ACCORDANCE WITH POLICIES APPROVED BY THE NSC

(a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

(b) Be the head of the CIA and of such staff elements as may be required for discharge of the Director's Intelligence Community responsibilities;

(c) Act, in appropriate consultation with the departments and agencies, as the Intelligence Community's principal advocate to the Congress, the news media and the public, and facilitate the use of national foreign intelligence products by the Congress in a secure manner.

(1-601. Continued)

(d) Develop, consistent with the requirements and priorities established by the PRC, such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;

(e) Promote the development and maintenance of services of common concern by designated foreign intelligence organizations on behalf of the Intelligence Community;

(f) Ensure implementation of special activities;

(g) Formulate policies concerning intelligence arrangements with foreign governments, and coordinate intelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments;

(h) Conduct a program to protect against overclassification of foreign intelligence information;

(1-501. Continued)

(d) Develop, ~~consistent with the requirements and priorities established by the NSC,~~ such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;

(e) Promote the development and maintenance of services of common concern by designated foreign intelligence organizations on behalf of the Intelligence Community;

(f) Ensure implementation of special activities;

(g) ~~Formulate policies concerning foreign intelligence arrangements with foreign governments, and coordinate intelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments;~~ ^{AND COORDINATE INTELLIGENCE RELATIONS} ~~AND ESTABLISH PROCEDURES GOVERNING THE CONDUCT OF LIAISON BY THE DRUG ENFORCEMENT ADMINISTRATION (DEA) WITH SUCH SERVICES~~

(h) ~~Conduct a program to ensure that foreign intelligence information is adequately protected through proper classification~~

PARTICIPATE IN THE DEVELOPMENT OF PROCEDURES APPROVED BY THE ATTORNEY GENERAL GOVERNING THE CRIMINAL NARCOTICS ACTIVITIES OF DEA TO ENSURE THAT THESE ACTIVITIES ARE CONSISTENT WITH FOREIGN INTELLIGENCE PROGRAMS;

(1-601. Continued)

(i) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information and products;

(j) Participate in the development of procedures required to be approved by the Attorney General governing the conduct of intelligence activities;

(k) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(l) Provide appropriate intelligence to departments and agencies not within the Intelligence Community; and

(m) Establish appropriate committees or other advisory groups to assist in the execution of the foregoing responsibilities.

(1-501. Continued)

LANGUAGE OF CURRENT SUBSECTION (i) TO BE RETAINED

(i) ~~Establish, with the advice of the Intelligence Community, minimum security standards and procedures to govern all individuals and entities having access to or that distribute foreign intelligence and counterintelligence, provided that such standards shall not preclude any department or agency from imposing higher security standards or from complying with specific statutory requirements applicable to that department or agency.~~

(j) ~~Develop, in accordance with applicable law and regulations, a program specifically designed to strengthen the protection of intelligence sources and methods from unauthorized disclosure.~~

(k) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(l) ~~Provide appropriate intelligence to departments and agencies not within the Intelligence Community.~~

(m) Establish appropriate committees or other advisory groups to assist in the execution of the Director's responsibilities;

ENSURE THAT PROGRAMS ARE DEVELOPED WHICH PROTECT INTELLIGENCE SOURCES, METHODS, AND ANALYTICAL PROCEDURES;

(1-501. Continued)

(n) ~~In accordance with law and relevant procedures approved by the Attorney General under this Order, give the heads of the departments and agencies access to all intelligence developed by the CIA or the staff elements of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies.~~

(o) Have full responsibility for production and dissemination of national foreign intelligence and authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations, ensuring that appropriate mechanisms for competitive analysis are developed so that diverse points of view are considered fully and that differences of judgment within the Intelligence Community are brought to the attention of national policymakers;

(p) Ensure the timely exploitation and dissemination of data gathered by national foreign intelligence collection means, and ensure that the resulting intelligence is disseminated immediately to appropriate components and commands;

(1-501. Continued)

ESTABLISH MECHANISMS WHICH TRANSLATE NATIONAL FOREIGN INTELLIGENCE OBJECTIVES AND PRIORITIES DEVELOPED BY THE NSC INTO SPECIFIC GUIDANCE FOR THE INTELLIGENCE COMMUNITY, RESOLVE CONFLICTS IN TASKING PRIORITY, AND PROVIDE TO DEPARTMENTS AND AGENCIES HAVING INFORMATION COLLECTION CAPABILITIES THAT ARE NOT A PART OF THE NATIONAL FOREIGN INTELLIGENCE PROGRAM ADVISORY TASKING CONCERNING COLLECTION OF NATIONAL FOREIGN INTELLIGENCE;

COMBINED TO
CREATE NEW
SUBSECTION

(q) Establish mechanisms to translate national foreign intelligence objectives and priorities developed by the NSC into specific guidance for the Intelligence Community, including the development of plans and arrangements for transfer of required collection tasking authority to the Secretary of Defense when directed by the President;

(r) Provide to departments and agencies having information collection capabilities or intelligence assets that are not a part of the National Foreign Intelligence Program advisory tasking concerning collection of national foreign intelligence, with particular emphasis placed on increasing the contribution of departments or agencies to the collection of information through overt means;

(s) Resolve conflicts of tasking priority in national foreign intelligence activities, with recognition that any department head may seek review of such resolution by appeal to the NSC;

COMBINED WITH
SUBSECTIONS
(u) AND (v)

(t) Provide guidance for National Foreign Intelligence Program and budget development to Intelligence Community program managers, heads of component activities, and department and agency heads;

DEVELOP, IN CONSONANCE WITH NSC GUIDANCE AND WITH THE ADVICE OF THE PROGRAM MANAGERS AND DEPARTMENTS AND AGENCIES CONCERNED, THE CONSOLIDATED NATIONAL FOREIGN INTELLIGENCE PROGRAM BUDGET, PRESENT IT TO THE PRESIDENT THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, AND PRESENT IT TO THE CONGRESS;

COMBINED TO
CREATE NEW
SUBSECTION

(1-501. Continued)

(u) Develop, in consonance with NSC guidance and with the advice of the program managers and departments and agencies concerned, the consolidated National Foreign Intelligence Program budget and present it to the President through the Office of Management and Budget;

(v) Present and justify the National Foreign Intelligence Program budget to the Congress;

(w) Review and approve all requests for reprogramming National Foreign Intelligence Program funds, in accord with guidelines established by the Office of Management and Budget;

(x) Monitor National Foreign Intelligence Program implementation and, as necessary, conduct program and performance audits and evaluations;

(y) Together with the Secretary of Defense, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs, and provide to and obtain from the Secretary of Defense all information necessary for this purpose; and

CONSISTENT WITH THE
REQUIREMENT TO DE
VELOP COMPETITIVE
ANALYSIS,

(1-501. Continued)

~~(z) Together with the Secretary of State, ensure that national foreign intelligence collection and special activities are consistent with United States foreign policy.~~

[Deleted.]

1-602. National Foreign Intelligence Program Budget. The Director of Central Intelligence shall, to the extent consistent with applicable law, have full and exclusive authority for approval of the National Foreign Intelligence Program budget submitted to the President. Pursuant to this authority:

(a) The Director of Central Intelligence shall provide guidance for program and budget development to program managers and heads of component activities and to department and agency heads;

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence of proposed national programs and budgets in the format designated by the Director of Central Intelligence, by the program managers and heads of component activities, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities;

[Moved. See §1-501(t).]

[Moved. See §1-602.]

(1-602. Continued)

(c) The Director of Central Intelligence shall review and evaluate the national program and budget submissions and, with the advice of the NFIB and the departments and agencies concerned, develop the consolidated National Foreign Intelligence Program budget and present it to the President through the Office of Management and Budget;

[Moved. See §1-501(u).]

(d) The Director of Central Intelligence shall present and justify the National Foreign Intelligence Program budget to the Congress;

[Moved. See §1-501(v).]

(e) The heads of the departments and agencies shall, in consultation with the Director of Central Intelligence, establish rates of obligation for appropriated funds;

[Deleted.]

(1-602. Continued)

(f) The Director of Central Intelligence shall have full and exclusive authority for reprogramming National Foreign Intelligence Program funds, in accord with guidelines established by the Office of Management and Budget, but shall do so only after consultation with the head of the department affected and appropriate consultation with the Congress;

[Moved. See §1-501(w).]

(g) The departments and agencies may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

[Moved. See §1-603.]

(h) The Director of Central Intelligence shall monitor National Foreign Intelligence Program implementation and may conduct program and performance audits and evaluations.

[Moved. See §1-501(x).]

1-603. Responsibility for National Foreign Intelligence. The Director of Central Intelligence shall have full responsibility for production and dissemination of national foreign intelligence and have authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations. In doing so, the Director of Central Intelligence shall ensure that diverse points of view are considered fully and that differences of judgment within the Intelligence Community are brought to the attention of national policymakers.

[Moved. See §1-501(o).]

1-604. Protection of Sources, Methods and Procedures. The Director of Central Intelligence shall ensure that programs are developed which protect intelligence sources, methods and analytical procedures, provided that this responsibility shall be limited within the United States to:

[Moved. See §1-501(j).]

(a) Using lawful means to protect against disclosure by present or former employees of the CIA or the Office of the Director of Central Intelligence, or by persons or organizations presently or formerly under contract with such entities; and

[Deleted.]

(1-604. Continued)

(b) Providing policy, guidance and technical assistance to departments and agencies regarding protection of intelligence information, including information that may reveal intelligence sources and methods.

1-605. Responsibility of Executive Branch Agencies. The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant Attorney General procedures, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States and shall give due consideration to requests from the Director of Central Intelligence for appropriate support for CIA activities.

[Deleted.]

1-6. Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies.

1-601. The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant procedures approved by the Attorney General under this Order, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States and shall give due consideration to requests from the Director of Central Intelligence for appropriate support for Intelligence Community activities.

1-606. Access to CIA Intelligence.
The Director of Central Intelligence, shall, in accordance with law and relevant Attorney General procedures, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the office of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies.

[Moved. See §1-501(n).]

1-602. The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence of proposed national programs and budgets in the format designated by the Director of Central Intelligence, by the program managers and heads of component activities, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities.

1-7. Senior Officials of the Intelligence Community.

The senior officials of each of the agencies within the Intelligence Community shall:

1-701. Ensure that all activities of their agencies are carried out in accordance with applicable law;

1-702. Make use of the capabilities of other agencies within the Intelligence Community in order to achieve efficiency and mutual assistance;

1-703. Contribute in their areas of responsibility to the national foreign intelligence products;

1-704. Establish internal policies and guidelines governing employee conduct and ensure that such are made known to each employee;

~~1-603. The heads of departments and agencies involved in the National Foreign Intelligence Program may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.~~

~~1-7. Senior Officials of the Intelligence Community.~~

~~The heads of departments and agencies with organizations in the Intelligence Community or the heads of such organizations, as appropriate, shall:~~

~~1-701. Ensure that all activities of their organizations are carried out in accordance with applicable law and assigned missions;~~

~~1-702. Make use of the capabilities of other agencies within the Intelligence Community in order to achieve efficiency and mutual assistance;~~

~~1-703. Contribute in their areas of responsibility to the national foreign intelligence products;~~

~~1-704. Establish internal policies and guidelines governing employee conduct and ensure that such are made known to each employee;~~

1-705. Provide for strong, independent, internal means to identify, inspect, and report on unlawful or improper activity;

1-706. Report to the Attorney General evidence of possible violations of federal criminal law by an employee of their department or agency, and report to the Attorney General evidence of possible violations by any other person of those federal criminal laws specified in guidelines adopted by the Attorney General;

1-707. In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

1-708. Furnish the Director of Central Intelligence, the PRC and the SCC, in accordance with applicable law and Attorney General procedures, the information required for the performance of their respective duties;

1-709. Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations which raise questions of legality or propriety;

~~1-705. Provide for strong, independent, internal means to identify, inspect, and report on unlawful or improper activity;~~

1-706. Report to the Attorney General possible violations of those federal criminal laws specified in procedures agreed upon by the Attorney General and the head of the department or agency concerned in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures;

1-707. In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

1-708. Furnish the Director of Central Intelligence and the NSC, in accordance with applicable law and procedures approved by the Attorney General under this Order, the information required for the performance of their respective duties;

1-709. Report to the Intelligence Oversight ~~Committee of the President's~~ Foreign Intelligence Advisory Board and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations which raise questions of legality or propriety;

1-710. Protect intelligence and intelligence sources and methods consistent with guidance from the Director of Central Intelligence and the NSC;

1-711. Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

1-712. Execute programs to protect against over classification of foreign intelligence;

1-713. Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

1-714. Ensure that the Inspector General and General Counsel of their agencies have access to any information necessary to perform their duties assigned by this Order.

1-710. Protect intelligence and intelligence sources and methods from unauthorized disclosure consistent with guidance from the Director of Central Intelligence and the NSC;

1-711. Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

1-712. ~~Execute programs to protect foreign intelligence through proper classification;~~

1-713. Instruct their employees to cooperate fully with the Intelligence Oversight Committee of the President's Foreign Intelligence Advisory Board; and

1-714. Ensure that the Inspectors General and General Counsel for their organizations have access to any information necessary to perform their duties assigned by this Order.

PARTICIPATE IN THE DEVELOPMENT OF PROCEDURES GOVERNING DEB PRODUCTION AND DISSEMINATION OF INTELLIGENCE ON THE FOREIGN AND DOMESTIC INTELLIGENCE ASPECTS OF NARCOTICS PRODUCTION AND TRAFFICKING IF THEIR DEPARTMENTS, AGENCIES, OR ORGANIZATIONS HAVE RESPONSIBILITIES IN THESE AREAS;

1-8. The Central Intelligence Agency.

All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and other laws, regulations and directives, the CIA, under the direction of the NSC, shall:

1-801. Collect foreign intelligence, including information not otherwise obtainable, and develop, conduct, or provide support for technical and other programs which collect national foreign intelligence. The collection of information within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

1-802. Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, geographic and sociological intelligence to meet the needs of the President, the NSC, and other elements of the United States Government;

1-8. The Central Intelligence Agency.

All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by *THIS ORDER*, the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and ~~or other laws, regulations and directives~~, the CIA, ~~under the direction of the NSC~~, shall:

1-801. Collect foreign intelligence, including information not otherwise obtainable, and develop, conduct, or provide support for technical and other programs which collect national foreign intelligence. The collection of information within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

1-802. Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, geographic, biographic, and sociological intelligence to meet the needs of the President, the NSC, and other elements of the United States Government;

COLLECT, PRODUCE, AND DISSEMINATE FOREIGN INTELLIGENCE AND COUNTER INTELLIGENCE, INCLUDING INFORMATION NOT OTHERWISE OBTAINABLE. THE COLLECTION OF FOREIGN INTELLIGENCE WITHIN THE UNITED STATES SHALL BE COORDINATED WITH THE FBI AS REQUIRED BY PROCEDURES AGREED UPON BY THE DIRECTOR OF CENTRAL INTELLIGENCE AND THE ATTORNEY GENERAL;

1-803. Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

1-804. Conduct counterintelligence activities outside the United States and coordinate counterintelligence activities conducted outside the United States by other agencies within the Intelligence Community;

1-805. Without assuming or performing any internal security functions, conduct counterintelligence activities within the United States, but only in coordination with the FBI and subject to the approval of the Attorney General;

1-806. Produce and disseminate counterintelligence studies and reports;

1-807. Coordinate the collection outside the United States of intelligence information not otherwise obtainable;

1-803. Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

1-804. Conduct counterintelligence activities outside the United States and coordinate all counterintelligence activities conducted outside the United States by other departments and agencies;

1-805. Without assuming or performing any internal security functions, conduct counterintelligence activities within the United States, but only in coordination with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

1-806. Produce and disseminate counterintelligence studies and reports;

1-807. Coordinate the collection outside the United States of intelligence information not otherwise obtainable.

COORDINATE COUNTERINTELLIGENCE ACTIVITIES AND THE COLLECTION OF INFORMATION NOT OTHERWISE OBTAINABLE, WHEN CONDUCTED OUTSIDE THE UNITED STATES BY OTHER DEPARTMENTS AND AGENCIES;

CONDUCT COUNTERINTELLIGENCE ACTIVITIES OUTSIDE THE UNITED STATES AND, WITHOUT ASSUMING OR PERFORMING ANY INTERNAL SECURITY FUNCTIONS, CONDUCT COUNTERINTELLIGENCE ACTIVITIES WITHIN THE UNITED STATES IN COORDINATION WITH THE FBI AS REQUIRED BY PROCEDURES AGREED UPON BY THE DIRECTOR OF CENTRAL INTELLIGENCE AND THE ATTORNEY GENERAL;

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1-808. Conduct special activities approved by the President and carry out such activities consistent with applicable law;

1-809. Conduct services of common concern for the Intelligence Community as directed by the NSC.

1-810. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

1-811. Protect the security of its installations, activities, information and personnel by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary;

1-812. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in section 1-801 through 1-811 above, including procurement and essential cover and proprietary arrangements.

1-808. Conduct special activities approved by the President, and carry out such activities consistent with applicable law;

1-809. Conduct services of common concern for the Intelligence Community as directed by the NSC;

1-810. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

1-811. Protect the security of its installations, activities, information, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary;

1-812. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections 1-801 through 1-811 above, including procurement and essential cover and proprietary arrangements.

NO AGENCY EXCEPT THE CIA (OR ANY OTHER AGENCY OF THE UNITED STATES) MAY CONDUCT ANY SPECIAL ACTIVITY UNLESS THE PRESIDENT DETERMINES THAT ANOTHER AGENCY IS MORE LIKELY TO ACHIEVE A PARTICULAR OBJECTIVE.

TAKEN FROM SECTION 2-306

1-813. Provide legal and legislative services and other administrative support to the Office of the Director of Central Intelligence.

1-9. The Department of State.

The Secretary of State shall:

1-901. Overtly collect foreign political, sociological, economic, scientific, technical, political-military and associated biographic information;

1-902. Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;

1-903. Disseminate, as appropriate, reports received from United States diplomatic and consular posts abroad;

1-904. Coordinate with the Director of Central Intelligence to ensure that national foreign intelligence activities are useful to and consistent with United States foreign policy;

1-813. ~~Provide legal, legislative, oversight, and administrative support services to the staff elements of the Director of Central Intelligence.~~

1-9. The Department of State.

The Secretary of State shall:

1-901. Overtly collect foreign political, sociological, economic, scientific, technical, political-military and associated biographic information;

1-902. Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;

1-903. Disseminate, as appropriate, reports received from United States diplomatic and consular posts abroad;

1-904. ~~Together with the Director of Central Intelligence, ensure that national foreign intelligence collection activities and special activities are consistent with United States foreign policy,~~

OVERTLY COLLECT FOREIGN INTELLIGENCE RELATING TO UNITED STATES FOREIGN POLICY AS REQUIRED FOR THE EXECUTION OF THE SECRETARY'S RESPONSIBILITIES, AND PRODUCE AND DISSEMINATE SUCH INTELLIGENCE;

1-905. Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

1-906. Support Chiefs of Mission in discharging their statutory responsibilities for direction and coordination of mission activities.

1-10. The Department of the Treasury.

The Secretary of the Treasury shall:

1-1001. Overtly collect foreign financial and monetary information;

1-1002. Participate with the Department of State in the overt collection of general foreign economic information;

1-1003. Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

1-905. Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

1-906. Support Chiefs of Missions in discharging their statutory responsibilities for direction and coordination of mission activities.

1-10. The Department of the Treasury.

The Secretary of the Treasury shall:

1-1001. Overtly collect foreign financial and monetary information;

1-1002. Participate with the Department of State in the overt collection of general foreign economic information;

1-1003. Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

1-1004. Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1-11. The Department of Defense.

The Secretary of Defense shall:

1-1101. Collect national foreign intelligence and be responsive to collection tasking by the NITC.

1-1102. Collect, produce and disseminate foreign military and military-related intelligence information, including scientific, technical, political, geographic and economic information as required for execution of the Secretary's responsibilities;

1-1004. Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1-11. The Department of Defense.

The Secretary of Defense shall:

1-1101. Collect national foreign intelligence and be responsive to collection tasking by the Director of Central Intelligence;

1-1102. Collect, produce and disseminate foreign military and military-related intelligence information, including scientific, technical, political, biographic, geographic and economic information as required for execution of the Secretary's responsibilities;

1-1103. Conduct programs and missions necessary to fulfill national and tactical foreign intelligence requirements;

1-1104. Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General, and produce and disseminate counterintelligence studies and reports;

1-1105. Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities;

1-1106. Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

1-1107. Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

1-1103. Conduct programs and missions necessary to fulfill national, ~~departmental~~, and tactical foreign intelligence requirements;

1-1104. Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI, pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General, and produce and disseminate counterintelligence studies and reports;

1-1105. ~~Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities;~~

1-1106. Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

1-1107. Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

1-1108. Review budget data and information on Department of Defense programs within the National Foreign Intelligence Program and review budgets submitted by program managers to the Director of Central Intelligence to ensure the appropriate relationship of the National Foreign Intelligence Program elements to the other elements of the Defense program;

1-1109. Monitor, evaluate and conduct performance audits of Department of Defense intelligence programs;

1-1110. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

1-1111. Together with the Director of Central Intelligence, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs and provide the Director of Central Intelligence all information necessary for this purpose;

~~1-1108. Review budget data and information on Department of Defense programs within the National Foreign Intelligence Program and review budgets submitted by program managers to the Director of Central Intelligence to ensure the appropriate relationship of the National Foreign Intelligence Program elements to the other elements of the Defense program;~~

~~1-1109. Monitor, evaluate and conduct performance audits of Department of Defense intelligence programs;~~

~~1-1110. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;~~

[Moved. See §1-501(y).]

1-1112. Protect the security of Department of Defense installations, activities, information and personnel by appropriate means including such investigations of applicants, employees, contractors and other persons with similar associations with the Department of Defense as are necessary; and

1-1113. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in section 1-1101 through 1-1112 above.

1-12. Intelligence Components Utilized by the Secretary of Defense.

1-1111. Protect the security of Department of Defense installations, activities, property, information and employees by appropriate means, including such investigations of applicants, employees, contractors and other persons with similar associations with the Department of Defense as are necessary;

1-1112. Establish and maintain military intelligence relationships and military intelligence exchange programs with selected cooperative foreign defense establishments and international organizations, and ensure that such relationships and programs are in accordance with policies and procedures formulated by the Director of Central Intelligence; *AND*

~~1-1113. Together with the Director of Central Intelligence, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs and provide to and obtain from the Director of Central Intelligence all information necessary for this purpose; and~~

1-1114. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections 1-1101 through 1-1113 above.

1-12. Intelligence Components Utilized by the Secretary of Defense.

(1-12. Continued)

In carrying out the responsibilities assigned in sections 1-1101 through 1-1113, the Secretary of Defense is authorized to utilize the following:

1-1201. Defense Intelligence Agency, whose responsibilities shall include:

(a) Production or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(b) Provision of military intelligence for national foreign intelligence products;

(c) Coordination of all Department of Defense intelligence collection requirements for departmental needs;

(d) Management of the Defense Attache system; and

(e) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

1-1202. National Security Agency (NSA), whose responsibilities shall include:

(1-12. Continued)

In carrying out the responsibilities assigned in sections 1-1101 through 1-1114, the Secretary of Defense is authorized to utilize the following:

1-1201. Defense Intelligence Agency, whose responsibilities shall include:

(a) Collection, production or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(b) Collection and provision of military intelligence for national foreign intelligence and counterintelligence products;

(c) Coordination of all Department of Defense intelligence collection requirements;

(d) Management of the Defense Attache system; and

(e) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

1-1202. National Security Agency, whose responsibilities shall include:

(1-1202. Continued)

(a) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense.

(b) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(c) Collection of signals intelligence information for national foreign intelligence purposes in accordance with tasking by the NITC;

(d) Processing of signals intelligence data for national foreign intelligence purposes consistent with standards for timeliness established by the Director of Central Intelligence;

(1-1202. Continued)

(a) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense;

(b) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(c) Collection of signals intelligence information for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(d) Processing of signals intelligence data for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(1-1202. Continued)

(e) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the NITC;

(f) Collection, processing, and dissemination of signals intelligence information for counterintelligence purposes;

(g) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities and standards of timeliness assigned by the Secretary of Defense. If provisions of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(h) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(i) Conduct of research and development to meet needs of the United States for signals intelligence and communications security;

(1-1202. Continued)

(e) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the Director of Central Intelligence;

(f) Collection, processing, and dissemination of signals intelligence information for counterintelligence purposes;

(g) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities and standards of timeliness assigned by the Secretary of Defense. If provisions of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(h) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(i) Conduct of research and development to meet needs of the United States for signals intelligence and communications security;

(1-1202. Continued)

(j) Protection of the security of its installations, activities, information and personnel by appropriate means including such investigations of applicants, employees, contractors and other persons with similar associations with the NSA as are necessary; and

(k) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations.

1-1203. Offices for the collection of specialized intelligence through reconnaissance programs, whose responsibilities shall include:

(1-1202. Continued)

(j) Protection of the security of its installations, activities, property, information and employees by appropriate means, including such investigations of applicants, employees, contractors and other persons with similar associations with the NSA as are necessary;

(k) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations; and

(l) Conduct of foreign cryptologic liaison for intelligence purposes in accordance with policies and procedures formulated by the Director of Central Intelligence. ^{RELATIONSHIPS, WITH LIAISON CONDUCTED}

1-1203. Offices for the collection of specialized intelligence through reconnaissance programs, whose responsibilities shall include:

(1-1203. Continued)

(a) Carrying out consolidated reconnaissance programs for specialized intelligence;

(b) Responding to tasking through the NITC; and

(c) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

1-1204. The foreign intelligence and counterintelligence elements of the military services, whose responsibilities shall include:

(1-1203. Continued)

(a) Carrying out consolidated reconnaissance programs for specialized intelligence;

(b) Responding to tasking for national, departmental and tactical purposes in accordance with procedures established by the Director of Central Intelligence; and

(c) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

1-1204. The foreign intelligence and counterintelligence elements of the Army, Navy, Air Force and Marine Corps whose responsibilities shall include:

(1-1204. Continued)

(a) Collection, production and dissemination of military and military-related foreign intelligence, including information on indications and warnings, foreign capabilities, plan and weapons systems, scientific and technical developments and narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be tasked by the NITC. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(b) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI, and production and dissemination of counterintelligence studies or reports; and

(c) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

(1-1204. Continued)

(a) Collection, production and dissemination of military and military-related foreign intelligence, ~~including AND~~ information on indications and warnings, ~~foreign capabilities, plan and weapons systems, scientific and technical developments and narcotics production and~~ trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be conducted in accordance with guidance from the Director of Central Intelligence. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(b) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI, and production and dissemination of counterintelligence studies or reports; and

(c) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

1-1205. Other offices within the Department of Defense appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense. If such other offices are used for intelligence purposes, the provisions of Section 2-101 through 2-309 of this Order shall apply to those offices when used for those purposes.

1-13. The Department of Energy.

The Secretary of Energy shall:

1-1301. Participate with the Department of State in overtly collecting political, economic and technical information with respect to foreign energy matters;

1-1302. Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

1-1303. Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

1-1304. Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1-1205. Other offices within the Department of Defense appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense. If such other offices are used for intelligence purposes, the provisions of sections 2-101 through 2-309 of this Order shall apply to those offices when used for those purposes.

1-13. The Department of Energy.

The Secretary of Energy shall:

1-1301. Participate with the Department of State in overtly collecting ~~political, economic and technical~~ information with respect to foreign energy matters;

1-1302. Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

1-1303. Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

1-1304. Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1-14. The Federal Bureau of Investigation.

Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

1-1401. Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

1-1402. Conduct counterintelligence activities outside the United States in coordination with the CIA, subject to the approval of the Director of Central Intelligence;

1-1403. Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, lawful activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community;

1-14. The Federal Bureau of Investigation.

Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

1-1401. Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

1-1402. Conduct counterintelligence activities outside the United States in coordination with the CIA, subject to the approval of the Director of Central Intelligence;

1-1403. Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, lawful activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community;

1-1404. Produce and disseminate foreign intelligence, counterintelligence and counterintelligence studies and reports; and

1-1405. Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

1-15. The Drug Enforcement Administration.

Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Administrator of DEA shall:

1-1501. Collect, produce and disseminate intelligence on the foreign and domestic aspects of narcotics production and trafficking in coordination with other agencies with responsibilities in these areas;

1-1502. Participate with the Department of State in the overt collection of general foreign political, economic and agricultural information relating to narcotics production and trafficking; and

1-1404. Produce and disseminate foreign intelligence, counterintelligence and counterintelligence studies and reports; and

1-1405. Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

[Deleted.]

[Moved. See §4-104.]

[Moved. See §4-104.]

[Deleted.]

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1-1503. Coordinate with the Director of Central Intelligence to ensure that the foreign narcotics intelligence activities of DEA are consistent with other foreign intelligence programs.

[Moved. See §4-104.]

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SECTION 3

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SECTION 3

OVERSIGHT OF INTELLIGENCE
ORGANIZATIONS

3-1. Intelligence Oversight Board.

3-101. Membership. The President's Intelligence Oversight Board (IOB) shall function within the White House. The IOB shall have three members who shall be appointed by the President and who shall be from outside the government and be qualified on the basis of ability, knowledge, diversity of background and experience. No member shall have any personal interest in any contractual relationship with any agency within the Intelligence Community. One member shall be designated by the President as chairman.

3-102. Duties:

The IOB shall:

SECTION 3

OVERSIGHT OF INTELLIGENCE ACTIVITIES

3-1. Intelligence Oversight Board.

(a) Establishment and Purpose. There is hereby established an Intelligence Oversight Board, which shall function within the White House to advise the President as to the legality and propriety of activities of the Intelligence Community.

(b) Membership. The Board shall be composed of three persons. One member, drawn from among the membership of the President's Foreign Intelligence Advisory Board, shall be designated by the President as Chairman.

(c) Duties. The Intelligence Oversight Board shall:

(3-102. Continued)

(a) Review periodically the practices and procedures of the Inspectors General and General Counsel with responsibilities for agencies within the Intelligence Community for discovering and reporting to the IOB intelligence activities that raise questions of legality or propriety, and consider written and oral reports referred under Section 3-201;

[Moved. See §3-1(c)(4).]

(b) Review periodically for adequacy the internal guidelines of each agency within the Intelligence Community concerning the legality or propriety of intelligence activities;

[Moved. See §3-1(c)(3).]

(c) Report periodically, at least quarterly, to the President on its findings; and report in a timely manner to the President any intelligence activities that raise serious questions of legality or propriety;

[Moved. See §3-1(c)(1).]

(d) Forward to the Attorney General, in a timely manner, reports received concerning intelligence activities in which a question of legality has been raised or which the IOB believes to involve questions of legality; and

[Moved. See §3-1(c)(2).]

(3-1(c). Continued)

(1) Inform the President of intelligence activities that any member of the Board believes are in violation of the Constitution or laws of the United States, Executive order, or Presidential directive, or raise serious questions of propriety;

(2) Forward to the Attorney General reports received concerning intelligence activities that the Board believes to involve serious questions of legality;

(3) Review the internal guidelines of each agency within the Intelligence Community concerning the legality or propriety of intelligence activities;

(4) Review the practices and procedures of the Inspectors General and General Counsels of the Intelligence Community for discovering and reporting intelligence activities that raise serious questions of legality and propriety.

(3-102. Continued)

(e) Conduct such investigations of the intelligence activities of agencies within the Intelligence Community as the Board deems necessary to carry out its functions under this Order.

3-103. Restriction on Staff. No person who serves on the staff of the IOB shall have any contractual or employment relationship with any agency within the Intelligence Community.

3-2. Inspectors General and General Counsel. Inspectors General and General Counsel with responsibility for agencies within the Intelligence Community shall:

3-201. Transmit timely reports to the IOB concerning any intelligence activities that come to their attention and that raise questions of legality or propriety;

(d) Responsibilities of Heads of Departments and Agencies. The heads of departments and agencies of the Intelligence Community shall provide the Board with information necessary to carry out its responsibilities.

3-2. Inspectors General and General Counsels. Inspectors General and General Counsels of the Intelligence Community shall report to the Board concerning intelligence activities that raise serious questions of legality or propriety.

3-202. Promptly report to the IOB actions taken concerning the Board's findings on intelligence activities that raise questions of legality or propriety;

3-203. Provide to the IOB information requested concerning the legality or propriety of intelligence activities within their respective agencies;

3-204. Formulate practices and procedures for discovering and reporting to the IOB intelligence activities that raise questions of legality or propriety; and

3-205. Report to the IOB any occasion on which the Inspectors General or General Counsel were directed not to report any intelligence activity to the IOB which they believed raised questions of legality or propriety.

3-3. Attorney General. The Attorney General shall:

3-301. Receive and consider reports from agencies within the Intelligence Community forwarded by the IOB;

3-302. Report to the President in a timely fashion any intelligence activities which raise questions of legality;

3-3. Attorney General. The Attorney General shall report to the President any intelligence activities that violate the Constitution or laws of the United States, Executive order, or Presidential directive.

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3-303. Report to the IOB and to the President in a timely fashion decisions made or actions taken in response to reports from agencies within the Intelligence Community forwarded to the Attorney General by the IOB;

3-304. Inform the IOB of legal opinions affecting the operations of the Intelligence Community; and

3-305. Establish or approve procedures, as required by this Order, for the conduct of intelligence activities. Such procedures shall ensure compliance with law, protect constitutional rights and privacy, and ensure that any intelligence activity within the United States or directed against any United States person is conducted by the least intrusive means possible. The procedures shall also ensure that any use, dissemination and storage of information about United States persons acquired through intelligence activities is limited to that necessary to achieve lawful governmental purposes.

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3-4. Congressional Intelligence Committees. Under such procedures as the President may establish and consistent with applicable authorities and duties, including those conferred by the Constitution upon the Executive and Legislative Branches and by law to protect sources and methods, the Director of Central Intelligence and heads of departments and agencies of the United States involved in intelligence activities shall:

3-401. Keep the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate fully and currently informed concerning intelligence activities, including any significant anticipated activities which are the responsibility of, or engaged in, by such department or agency. This requirement does not constitute a condition precedent to the implementation of such intelligence activities;

3-402. Provide any information or document in the possession, custody, or control of the department or agency or person paid by such department or agency, within the jurisdiction of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, upon the request of such committee; and

3-4. Congressional Oversight. The duties and responsibilities of the Director of Central Intelligence and the heads of other departments, agencies, and entities engaged in intelligence activities to cooperate with the Congress in the conduct of its responsibilities for oversight of intelligence activities shall be as provided in title 50, United States Code, section 413.

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3-403. Report in a timely fashion to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate information relating to intelligence activities that are illegal or improper and corrective that are taken or planned.

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SECTION 4

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SECTION 4

GENERAL PROVISIONS

4-1. Implementation.

4-101. Except as provided in Section 4-105 of this section, this Order shall supersede Executive Order 11905, "United States Foreign Intelligence Activities," dated February 18, 1976; Executive Order 11985, same subject, dated May 13, 1977; and Executive Order 11994, same subject, dated June 1, 1977.

4-102. The NSC, the Secretary of Defense, the Attorney General and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order.

4-103. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order.

SECTION 4

GENERAL PROVISIONS

4-1. Implementation.

4-101. ~~Except as provided in section 4-105 of this section, this Order shall supersede Executive Order 12036, "United States Intelligence Activities," dated January 24, 1978, and sections 1-104 and 1-105 of Executive Order 12139, "Foreign Intelligence Electronic Surveillance," dated May 23, 1979.~~

4-102. The NSC, the Secretary of Defense, the Attorney General and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order.

~~4-103. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order.~~

THE NATIONAL SECURITY COUNCIL MAY ESTABLISH PROCEDURES IN INSTANCES WHERE THE AGENCY HEAD AND THE ATTORNEY GENERAL ARE UNABLE TO REACH AGREEMENT ON OTHER THAN CONSTITUTIONAL OR OTHER LEGAL GROUNDS.

4-104. The Attorney General shall have sole authority to issue and revise procedures required by Section 2-201 for the activities of the FBI relating to foreign intelligence and counterintelligence.

4-105. Where intelligence activities under this Order are to be conducted pursuant to procedures approved or agreed to by the Attorney General, those activities may be conducted under terms and conditions of Executive Order 11905 and any procedures promulgated thereunder until such Attorney General procedures are established. Such Attorney General procedures shall be established as expeditiously as possible after the issuance of this Order.

4-104. The Attorney General shall have sole authority to issue and revise procedures required by section 2-201 for the activities of the FBI relating to foreign intelligence and counterintelligence. ~~The Attorney General shall also develop procedures for coordination by the Drug Enforcement Administration (DEA) with the Director of Central Intelligence to ensure that the original narcotics intelligence activities of DEA are consistent with foreign intelligence programs. Procedures shall also be developed for coordination by DEA of its production and dissemination of intelligence on the foreign and domestic aspects of narcotics production and trafficking with other agencies with responsibilities in these areas. Liaison by DEA with intelligence and internal security services of foreign governments will be conducted in accordance with procedures established by the Director of Central Intelligence.~~

4-105. Until the procedures required by this Order have been established, the activities authorized and regulated herein shall be conducted in accordance with procedures heretofore approved or agreed to by the Attorney General pursuant to Executive Order 12036. Procedures required by this Order shall be established as expeditiously as possible.

EXISTING PROCEDURES ESTABLISHED BY MEMBERS OF CONGRESS, AGENCIES WITHIN THE INTELLIGENCE COMMUNITY,

4-106. In some instances, the documents that implement this Order will be classified because of the sensitivity of the information and its relation to national security. All instructions contained in classified documents will be consistent with this Order. All procedures promulgated pursuant to this Order will be made available to the Congressional intelligence committees in accordance with Section 3-402.

4-107. Unless otherwise specified, the provisions of this Order shall apply to activities both within and outside the United States, and all references to law are applicable laws of the United States, including the Constitution and this Order. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

4-2. Definitions.

For the purposes of this Order, the following terms shall have these meanings:

~~4-106. In some instances, the documents that implement this Order will be classified because of the sensitivity of the information and its relation to national security. All instructions contained in classified documents will be consistent with this Order. All procedures promulgated pursuant to this Order will be made available to the Congressional intelligence committees in accordance with applicable law.~~

~~4-107. Unless otherwise specified, the provisions of this Order shall apply to activities both within and outside the United States, and all references to law are applicable laws of the United States, including the Constitution and this Order. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.~~

4-2. Definitions.

For the purposes of this Order, the following terms shall have these meanings:

4-201. Communications security means protective measures taken to deny unauthorized persons information derived from telecommunications of the United States Government related to national security and to ensure the authenticity of such telecommunications.

4-202. Counterintelligence means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, but not including personnel, physical, document, or communications security programs.

4-201. Communications security means protection measures taken to deny unauthorized persons information derived from telecommunications of the United States Government related to national security and to ensure the authenticity of such communications. Such protection results from the application of security measures (including cryptosecurity, transmission security, emissions security) to electrical systems generating, handling, processing, or using national security or national security related information. It also includes the application of physical security measures to communications security information or materials.

4-202. Counterintelligence means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities, but not including personnel, physical, document, or communications security programs.

4-203. Electronic Surveillance means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction finding equipment solely to determine the location of a transmitter.

4-204. Employee means a person employed by, assigned to, or acting for an agency within the Intelligence Community.

4-205. Foreign Intelligence means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

4-206. Intelligence means foreign intelligence and counterintelligence.

4-207. Intelligence Community and agency or agencies within the Intelligence Community refer to the following organizations:

- (a) The Central Intelligence Agency (CIA);

4-203. Electronic Surveillance means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction finding equipment solely to determine the location of a transmitter.

4-204. Employee means a person employed by, assigned to, or acting for an agency within the Intelligence Community.

4-205. Foreign Intelligence means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

4-206. Intelligence means foreign intelligence, and counterintelligence, security, and special activities, and support activities related thereto.

4-207. Intelligence Community and agencies within the Intelligence Community refer to the following agencies or organizations:

- (a) The Central Intelligence Agency (CIA);

(4-207. Continued)

(b) The National Security Agency
(NSA);

(c) The Defense Intelligence Agency;

(d) The Offices within the
Department of Defense for the collection of
specialized national foreign intelligence
through reconnaissance programs;

(e) The Bureau of Intelligence and
Research of the Department of State;

(f) The intelligence elements of the
military services, the Federal Bureau of
Investigation (FBI), the Department of the
Treasury, the Department of Energy, and the
Drug Enforcement Administration (DEA); and

(g) The staff elements of the Office
of the Director of Central Intelligence.

(b) The National Security Agency
(NSA);

(c) The Defense Intelligence Agency
(DIA);

(d) The Offices within the
Department of Defense for the collection of
specialized national foreign intelligence
through reconnaissance programs;

(e) The Bureau of Intelligence and
Research of the Department of State;

(f) The intelligence elements of the
Army, Navy, Air Force, and Marine Corps, the
Federal Bureau of Investigation (FBI), the
Department of the Treasury, and the Depart-
ment of Energy; and

(g) The staff elements of the
Director of Central Intelligence.

4-208. Intelligence product means the estimates, memoranda and other reports produced from the analysis of available information.

4-209. International terrorist activities means any activity or activities which:

(a) involves killing, causing serious bodily harm, kidnapping, or violent destruction of property, or an attempt or credible threat to commit such acts; and

(b) appears intended to endanger a protectee of the Secret Service or the Department of State or to further political, social or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and

(c) transcends national boundaries in terms of the means by which it is accomplished, the civilian population, government, or international organization it appears intended to coerce or intimidate, or the locale in which its perpetrators operate to seek asylum.

4-208. Intelligence product means ~~the estimates, memoranda and other reports produced from the analysis of available information~~

4-209. International terrorist activities means any activity or activities which:

(a) ~~Involves killing, causing serious bodily harm, kidnapping, or violent destruction of property, or an attempt or credible threat to commit such acts; and~~

(b) ~~Appears intended to endanger a protectee of the Secret Service, the Department of State, or other Federal department or agency, or to further political, social or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and~~

(c) ~~Occurs totally outside the United States or transcends national boundaries in terms of the means by which it is accomplished, the civilian population, government, or international organization it appears intended to coerce or intimidate, or the locale in which its perpetrators operate or seek asylum.~~

4-210. The National Foreign Intelligence Program includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President.

(a) The programs of the CIA;

(b) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;

(c) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;

(d) Activities of the staff elements of the Office of the Director of Central Intelligence;

4-210. The National Foreign Intelligence Program includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President.

(a) The programs of the CIA;

(b) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;

(c) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;

(d) Activities of the staff elements of the Director of Central Intelligence.

(4-209. Continued)

(e) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

4-211. Physical surveillance means an unconsented, systematic and deliberate observation of a person by any means on a continuing basis, or unconsented acquisition of a nonpublic communication by a person not a party thereto or visibly present threat through any means not involving electronic surveillance. This definition does not include overhead reconnaissance not directed at specific United States persons.

4-212. Special activities means activities conducted abroad in support of national foreign policy objectives which are designed to further official United States programs and policies abroad and which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but not including diplomatic activity or the collection and production of intelligence or related support functions.

(4-210. Continued)

(e) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

4-211. Physical surveillance means an unconsented, systematic and deliberate observation of a person by any means on a continuing basis, or unconsented acquisition of a nonpublic communication by a person not a party thereto or visibly present threat through any means not involving electronic surveillance. This definition does not include overhead reconnaissance not directed at specific United States persons.

4-212. Special activities means activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence United States public opinion or policies and do not include diplomatic activities or the collection and production of intelligence or related support functions.

4-213. United States, when used to describe a place, includes the territories of the United States.

4-214. United States person means a citizen of the United States, an alien lawfully admitted for permanent residence, an unincorporated association organized in the United States or substantially composed of United States citizens or aliens admitted for permanent residence, or a corporation incorporated in the United States.

4-213. Telecommunications means the transmission, communication or processing of information, including the preparation of information therefor, by electrical, electromagnetic, electromechanical or electro-optical means.

4-214. United States, when used to describe a place, includes the territories of the United States.

4-215. United States person means:

(a) For purposes of collection of information by any technique for which a warrant would be required if undertaken for law enforcement purposes, and the dissemination and retention of such information, a citizen of the United States, an alien lawfully admitted for permanent residence, an unincorporated association organized in the United States or substantially composed of United States citizens or aliens lawfully admitted for permanent residence, or a corporation incorporated in the United States, except a corporation openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments; or

(4-215. Continued)

(b) For all other purposes, a United States citizen, an alien physically present in the United States who is known by the intelligence agency concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens, or a corporation incorporated in the United States, unless such corporation is controlled by one or more foreign powers, persons or organizations.

24 JUN 1991

Executive Order 12036
as amended

UNITED STATES
INTELLIGENCE ACTIVITIES

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the organization and control of United States foreign intelligence activities, it is hereby ordered as follows:

EXECUTIVE ORDER

UNITED STATES
INTELLIGENCE ACTIVITIES

Timely and accurate information about the activities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. In order to obtain such information, the intelligence capabilities of the United States must be strengthened through the removal of unwarranted restraints on the conduct of necessary intelligence activities. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence available. The honorable men and women of the Intelligence Community who serve the United States must understand that their efforts are vital to the national security and have the full support of the President, the Congress, and the public. For that purpose, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the effective conduct of United States intelligence activities and the protection of constitutional rights, it is hereby ordered as follows: